It is my privilege to congratulate the men and women of the KHIC for their golden anniversary. Under the leadership of the chairman of the board of directors William Singleton and president and CEO Jerry Rickett, the people of southeastern Kentucky have strong advocates working tirelessly on their behalf. In particular, I want to thank Jerry Rickett for his many years of outstanding work for the people of southeastern Kentucky. I would like to extend my sincere congratulations to the KHIC and its staff and supporters, as the organization celebrates 50 years of accomplishment. Along with my Senate colleagues, I wish them the best and look forward to the KHIC's many future successes.

PURDUE GLOBAL UNIVERSITY

Mr. DURBIN. Mr. President, more than a year ago, Senator SHERROD BROWN of Ohio and I sent a letter to Purdue University President Mitch Daniels in which we expressed our concerns about Purdue's proposed acquisition of the predatory, for-profit Kaplan University.

Kaplan was notorious in the for-profit college industry for their mistreatment of students.

They had been the subject of numerous State and Federal investigations and lawsuits for misleading marketing claims, inflated job placement numbers, and unfair recruiting.

As Senator BROWN and I cautioned at the time, Kaplan's troubled history posed major risks for Purdue's current students and the institution's reputation as a top public university.

We suggested that at the very least Purdue should commit to clear protections and reforms for students if it intended to press on with the transaction.

Among our suggestions was an end to the use of predispute mandatory arbitration in student enrollment.

Predispute mandatory arbitration clauses prevent students from bringing suit against a school in a court of law when the school harms a student, like misleading them about job placement rates or luring them with other false information.

Instead, students are forced into a dispute resolution process, known as arbitration, which lacks the procedures and precedents of the court system and is often stacked against students.

The proceedings themselves, including the outcome, are secret which hides misconduct from regulators and accreditors.

The clauses are often buried in the fine print of stacks of enrollment documents that students must sign in order to enroll.

The practice, along with class action bans which prevent students from bringing suit as a group, are a hallmark of the for-profit college industry; schools like Corinthian, ITT Tech, and Kaplan notoriously used the practice to shield themselves from being held accountable while exploiting students and taxpayers.

But predispute mandatory arbitration and class action bans are almost unheard of at public and legitimate not-for-profit institutions of higher education.

In fact, in an August 30 public comment letter to the Department of Education, the Association of Public and Land-Grant Universities, APLU, of which Purdue is a member, and other education organizations wrote, ''We fail to see how allowing [pre-dispute mandatory arbitration and class action bans] is beneficial to the public.''

Since the Purdue-Kaplan deal was finalized, creating Purdue Global University, it turns out that the new school continues to use predispute mandatory arbitration and class action bans.

In response to it coming to light, a Purdue spokesman said that the practice was ''inherited from Kaplan,'' in an apparent attempt to deflect responsibility.

The spokesman went on to assert that the Purdue board ''has complete control over Purdue Global, and has the final say as to which policies it retains, and which it alters . . . and to enact whatever policies it deems to be in the interest of students . . .''

Well, Purdue can't have it both ways.

Either the continued use of predispute mandatory arbitration and class actions bans are a remnant of Kaplan that the board disvows—in which case, the board should use its authority to immediately end the practice—or the board must accept responsibility for the practice continuing under its control and acknowledge predispute mandatory arbitration as an affirmed Purdue policy that it ''deems to be in the best interest of students.''

As Senator BROWN and I told the Purdue Board in a new letter recently, they have to choose.

We will be waiting.

I want to be clear: Anything short of meeting the high bar set by Purdue's fellow public universities and APLU institutions—not using predispute mandatory arbitration and class action bans in student enrollment—will be a betrayal of students and Indiana taxpayers.

VOTE EXPLANATION

Mrs. FEINSTEIN. Mr. President, due to an excused absence on October 11, 2018, I was unable to vote on several judicial nominations. Had I been present I would have voted in the following matter:

On Executive Calendar No. 1007, on the nomination of David James Porter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit, I intended to vote nay.

On Executive Calendar No. 1081, on the nomination of Ryan Douglas Nelson, of Idaho, to be U.S. Circuit Judge for the Ninth Circuit, I intended to vote nay.

On Executive Calendar No. 1082, on the nomination of Richard J. Sullivan, of New York, to be U.S. Circuit Judge for the Second Circuit, I intended to vote yea.

On Executive Calendar No. 627, on the nomination of William M. Ray II, of Georgia, to be U.S. District Judge for the Northern District of Georgia, I intended to vote nay.

On Executive Calendar No. 628, on the nomination of Liles Clifton Burke, of Alabama, to be U.S. District Judge for the Northern District of Alabama, I intended to vote nay.

On Executive Calendar No. 629, on the nomination of Michael Joseph Juneau, of Louisiana, to be U.S. District Judge for the Western District of Louisiana, I intended to vote nay.

On Executive Calendar No. 634, on the nomination of Mark Saalfield Norris, Sr., of Tennessee, to be U.S. District Judge for the Western District of Tennessee, I intended to vote nay.

On Executive Calendar No. 638, on the nomination of Eli Jeremy Richardson, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee, I intended to vote nay.

On Executive Calendar No. 894, on the nomination of Thomas S. Kleeh, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia, I intended to vote nay.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

HURRICANE MICHAEL

● Mr. RUBIO. Mr. President, due to Hurricane Michael's direct hit on Florida's panhandle, I am traveling to northwest Florida to survey the devastation that has occurred in my home State. Yesterday, Hurricane Michael made landfall as a devastating, high-end Category 4 hurricane, near Mexico Beach. Initial reports indicate more than 400,000 utility customers in Florida are without power and areas within the storm's path have been decimated.

Therefore, given these circumstances and the fact that my vote would not have been determinative of the outcome of the measures before the Senate, I will survey the damage firsthand and help coordinate efforts between Federal, State, and local officials.●

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD NOMINEES

Mr. WYDEN. Mr. President, I rise today to comment on the confirmation of three nominees to the Privacy and Civil Liberties Oversight Board, often called the PCLOB. The PCLOB is a vital oversight mechanism, empowered by Congress to investigate and write public reports on some of the government's most secretive and controversial programs.

Today, three board member nominees were confirmed to the PCLOB: Edward Felten, a computer science professor at Princeton; Jane Nitze, a former lawyer